

**SUBCHAPTER B : ACTION BY THE COMMISSION**

**§§50.13, 50.15, 50.17, 50.19**

**Effective February 3, 2000**

**§50.13. Action on Application.**

Any application that is declared administratively complete before September 1, 1999 is subject to this subchapter. Any application that is declared administratively complete on or after September 1, 1999 is subject to Subchapter F of this chapter (relating to Action by the Commission). After the time for filing a hearing request as provided in §55.21 of this title (relating to Requests for Contested Case Hearings, Public Comment), the commission may act on an application without holding a contested case hearing when:

- (1) no timely hearing request has been received;
- (2) all timely hearing requests have been withdrawn or denied by the commission; or
- (3) a judge has remanded the application because of settlement.

Adopted September 2, 1999

Effective September 23, 1999

**§50.15. Scope of Proceedings.**

The commission may limit consideration in permit amendment or modification proceedings to only those portions of a permit for which the application requests action. The commission may limit consideration in the review of preconstruction permit renewals consistent with the requirements set forth in §382.055 of the Texas Health and Safety Code. All terms, conditions, and provisions of an existing permit remain in full force and effect during such proceedings, and the permittee shall comply with an existing permit until the commission acts on the application.

Adopted November 5, 1997

Effective December 1, 1997

Derived from §305.98

**§50.17. Commission Actions.**

(a) The commission may grant or deny an application in whole or in part, suspend the authority to conduct an activity or dispose of waste for a specified period of time, dismiss proceedings, amend or modify a permit or order, or take any other appropriate action.

(b) For applications involving hazardous waste under the TSWDA, the commission may issue or deny a permit for one or more units at the facility. The interim status of any facility unit compliant with the provisions of Texas Health and Safety Code, §361.082(e) and §335.2(c) of this title (relating to

Permit Required) for which a permit has not been issued or denied is not affected by the issuance or denial of a permit to any other unit at the facility.

(c) If the commission directs a person to perform or refrain from performing any act or activity, the order shall set forth the findings on which the directive is based. The commission may set a reasonable compliance deadline in its order in which to:

- (1) terminate the operation or activity;
- (2) cease disposal, handling, or storage of any waste;
- (3) conform to the permit requirements, including any new or additional conditions imposed by the commission; or
- (4) otherwise comply with the commission's order.

(d) For good cause, the commission may grant an extension of time to a compliance deadline upon application by the permittee.

(e) For applications involving radioactive material licenses under the Texas Radiation Control Act, the commission may incorporate in any license at the time of issuance, or thereafter by appropriate rule or order, additional requirements and conditions as it deems appropriate or necessary to:

- (1) protect and minimize danger to public health and safety or the environment;
- (2) require reports and the keeping of records and to provide for inspections of activities under the license as may be appropriate or necessary; and
- (3) prevent loss or theft of radioactive material subject to this subchapter.

Adopted May 14, 1997

Effective June 5, 1997

#### **§50.19. Notice of Commission Action, Motion for Rehearing.**

(a) If the commission acts on an application, the chief clerk shall mail notice of the action to the applicant, executive director, public interest counsel, and to other persons who timely filed public comment or hearing requests in response to public notice. The notice shall explain the opportunity to file a motion under §80.271 of this title (relating to Motion for Rehearing). The chief clerk need not mail to persons submitting public comment or hearing requests who have not provided a return mailing address. The chief clerk may mail the information to a representative group of persons when a substantial number of public comments have been submitted.

(b) The procedures in §80.271 of this title apply if the commission acts on an application. A motion for rehearing in such a case must be filed within 20 days after the date the person is notified in writing of the commission's final decision or order on the application. The commission's decision is final and appealable under Texas Water Code, §5.351 or Texas Health and Safety Code, §§361.321, 382.032, or 401.341, if the motion is denied under:

- (1) §80.271 of this title; and
- (2) §80.273 of this title (relating to Decision Final and Appealable).

Adopted January 12, 2000

Effective February 3, 2000

### **Derivation Table**

#### **Subchapter B : Action on Applications**

This table is to be used to track sections after rule revisions. The column on the left should list the sections after the revision. The column on the right should list where the section was prior to the revision.

<b>New Section</b>	<b>Old Section</b>
50.13	305.93, 305.97
50.15	305.98
50.17	305.99